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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,773	02/03/2000	Jerry E. Pierce	22789	7892

34456 7590 12/30/2003

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/497,773

Applicant(s)

PIERCE ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 16-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 16-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Amendment***

Applicant's amendment, filed 10/9/03, has been entered and is considered to be responsive. Claims 16-41 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 26-28, 31-33, and 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "more easily" and "greater likelihood" in claims 26-28, 31-33, and 39-41 are relative terms, which renders the claims indefinite. The specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 16-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Boyle et al.

Wolff shows all of the limitations of the claims except for specifying that the second word is product related and that the product is associated with restaurant equipment.

Wolff shows, figures 2 and 3, a method and apparatus for facilitating computer network transactions. Host server 12 can be seen in figure 3 to handle transactions (means for tasks of taking an order). Figure 2 shows, embedded within banner 102, is the URL of host server 12 (e.g., "www.bannerbuy.com", central site, a processor, arbitrary word) and a unique indicia (e.g., "12345") identifying the product or service being advertised (descriptive of a product or a service). The indicia is appended to the end of the URL (e.g., "www.bannerbuy.com/12345", appending the arbitrary word to the unique indicia), and the URL is linked to banner 102. The URL and indicia are shown in a dashed box 106 to indicate they are transparent to the user. In other embodiments, the URL and indicia can be displayed to the user, or banner 102 can be replaced by another icon having embedded therein the same URL and indicia. For example, banner 102 can be replaced by a hyperlink including the URL of host server 12 and the indicia of the advertised product or service. Cascaded advertising banner 142 is a second banner similar to banner 102, except that the graphics relate to a second advertised product or service, and the unique identification indicia of that second product or service is appended to the URL of host server 12. At step 246, selection of cascaded banner 142 causes the above-described process to repeat by jumping back to the TCP/IP

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request at step 204 using the URL and the unique indicia of the cascaded product or service. Thus, a banner for a second product or service can optionally be cascaded or nested (creating linkage between respective sites and host server) with the first banner depending upon the contents of the retrieved record. Similar nesting may be performed with third, fourth, or any number of additional cascaded banners. In one embodiment, data entered by the user in a preceding transaction is used by host server 12 to automatically fill in corresponding input fields for a cascaded transaction, further helping the user to complete the transaction. The program of the host server 12 is the means for receiving, means for appending, means for establishing, and means for creating.

Boyle et al. teaches, figure 5, a means for labeling URLs using descriptive words in combination with an arbitrary base word in order to provide a more organized and easier to understand network of URLs.

Based on the teaching of Boyle et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify unique numerical indicia of Wolff to incorporate the descriptive words of Boyle et al. in order to provide a more organized and easier to understand network of URLs.

The examiner takes Official Notice that restaurant equipment is a group of products, which can be sold in order to make money.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Wolff system to facilitate transaction for a specific industry (i.e. restaurant equipment) in order to make money.

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***R sponse to Arguments***

Applicant's arguments filed 10/9/03 have been fully considered but they are not persuasive.

Applicant has submitted a declaration and an IDS which shows the commercial success of the use of the invention in the inventor's business. These have been considered.

Applicant asserts that the examiner has not shown where the Boyle reference provides a teaching of a more organized and easier to understand network of URLs. There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F3d 1350, 1357, 47, USPQ2d 1453, 1457-1458 (Fed. Cir. 1998) In the case of Boyle and Wolff, the examiner's cited motivation falls well within the nature of the problem to be solved and the knowledge of persons of ordinary skill in the art.

Applicant asserts that a descriptive product name would require a more complex database search. The examiner does not concur. Applicant is just guessing at the additional complexity. Alpha-numeric searches have been around for a long time. One major benefit to using the product descriptive text would be during troubleshooting. Looking at a database print out with words instead of numbers is much easier to look at (or understand) and troubleshoot.

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Applicant asserts that none of the cited references teach the second website domain name includes the common name portion and a second product name portion. The examiner does not concur. Boyle teaches this.

Applicant asserts that none of the cited references teach creating a website direct link. The examiner does not concur. Wolff teaches this.


Applicant asserts that none of the cited references teach claims 19 and 23. The examiner does not concur. See rejection.

Applicant asserts that none of the cited references teach the repetitive links for a first, second, third, fourth, fifth and sixth website. The examiner does not concur. Wolff teaches this.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

 12/29/03  
Michael Cuff  
December 29, 2003